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12 Attorneys for Defendants
13 KAISER FOUNDATION HEALTH PLAN, INC.;
14 KAISER FOUNDATION HOSPITALS; and
15 THE PERMANENTE MEDICAL GROUP, INC.

16 UNITED STATES DISTRICT COURT
17
18 NORTHERN DISTRICT OF CALIFORNIA
19

20 LUNELL GAMBLE, and SHEILA KENNEDY,
21 on behalf of themselves as well as a class of
22 similarly situated individuals,

23 Plaintiffs,

24 vs.

25 KAISER FOUNDATION HEALTH PLAN,
26 INC.; KAISER FOUNDATION HOSPITALS,
27 INC.; and THE PERMANENTE MEDICAL
28 GROUP; all doing business as KAISER
PERMANENTE MEDICAL CARE
PROGRAM,

Defendants.

Case No. 17-cv-06621-YGR

**DEFENDANTS KAISER FOUNDATION
HEALTH PLAN, INC.; KAISER
FOUNDATION HOSPITALS; AND THE
PERMANENTE MEDICAL GROUP,
INC.'S RESPONSE TO PLAINTIFFS'
MOTION FOR LEAVE FOR LATE
SUBMISSION OF PROPOSED ORDER
ON RULE 16 MOTION**

Judge Hon. Yvonne Gonzalez Rogers
Courtroom: 1

1 TO THE COURT AND TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD

2 Defendants KAISER FOUNDATION HEALTH PLAN, INC.; KAISER FOUNDATION
3 HOSPITALS; and THE PERMANENTE MEDICAL GROUP, INC. (“Defendants”) hereby
4 respond to Plaintiffs LUNELL GAMBLE and SHEILA KENNEDY’s (“Plaintiffs”) Motion for
5 Leave for Late Submission of Proposed Order on Rule 16 Motion (Dkt. 114).

6 It is not clear to Defendants from the Court’s Order Granting Unopposed Motion For One
7 Day Extension Of Time On Briefing Of Rule 16 Motion (“Rule 16 Motion”) (Dkt. 112) whether
8 the Court was ordering Plaintiffs to file a Proposed Order in Support of Plaintiffs’ Rule 16
9 Motion For An Order Addressing Settlement Posture and Potential Conflict of Interests (Dkt.
10 110). If that was the intent of the Order, then Defendants do not oppose Plaintiffs’ filing of the
11 [Proposed] Order on Plaintiffs’ Rule 16 Motion for an Order Addressing Settlement Posture and
12 Potential Conflict of Interests (Dkt. 114-1).

13 However, Plaintiffs’ Proposed Stipulation included characterizations (including of
14 procedural history precipitating Plaintiffs’ filing of the Rule 16 Motion and of Defendants
15 themselves) that, in Defendants’ view, went beyond the mere filing of a Proposed Order. For that
16 reason, Defendants declined to so stipulate.

17 DATED: May 28, 2019

GBG LLP

19 BY: /s/ Amanda Bolliger
20 AMANDA BOLLIGER

21 Attorneys for Defendants
22 KAISER FOUNDATION HEALTH PLAN,
23 INC.; KAISER FOUNDATION
24 HOSPITALS; and THE PERMANENTE
25 MEDICAL GROUP, INC.